IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 598 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESH MANEKLAL PATEL

Versus

THAKORE SHIVAJI BAVAJI -DIED THRO'HEIRS AND L.R.

Appearance:

MR NS SHEVADE for Appellants

MR VC DESAI for Respondents No. 1/1-1/5

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 23/01/2002

ORAL JUDGEMENT

1. Heard Mr.N.S.Shevade, learned advocate for the appellants.

2. After putting substantial arguments by

Mr.Shevade, learned advocate for the appellants, he seeks permission to withdraw this appeal with a liberty to file appropriate application before the trial Court. Permission as prayed for is granted. In view of this, this appeal is disposed of as withdrawn, with a liberty to file appropriate application before the trial Court In view of the above, the following directions are given.

i. The learned Judge of the trial Court is directed to comply with the directions given by this Court (Coram: Y.B.Bhatt,J.) on 28/1/1997 in Civil Application No.10781 of 1996, so far as it relates to direction to expedite the trial of the suit.

ii. The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.160 of 1995, which is pending on the file of 2nd Joint Civil Judge (S.D.), Camp at Kalol, District Mehsana, as expeditiously as possible, preferably within 12 months from the date on which the suit becomes ready in all respects for the purpose of recording oral evidence, if any, of the parties.

iii. Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court, so as to enable him to decide the suit within a given time.

3. In view of the above, this appeal stands disposed of as withdrawn. No order as to costs.

(H.H.Mehta,J.)

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